IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 2601 of 2004

Between:

M.Varalakshmi, W/o.Late Satyam,aged 42 years,
R/o.Near Tara Masjid, Managapuram, Sivajipalem,
Visakhapatnam.

..... PETITIONER

AND

1 The Vice-Chancellore, Andhra Univeristy, Visakhapatnam Dist.
2 The Registrar,Andhra University, Visakhapatnam Dist.
3 The Principal, Department of Biocheistry, College of Science Technology, Andhra University,
Visakhapatnam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not issuing the death benefits along with monthly pension to the petitioner of her late husband is illegal, arbitrary, unconstitutional and against the principles of natural justice and consequently direct the 2nd and 3rd respondents to release all the death benefits of her late husband to the petitioner along with family pension .

Counsel for the Petitioner:MR.KARRI SURYANARAYANA

Counsel for the Respondent No.1: MR.K.HARINATH

Counsel for the Respondent No.2:Dr.P.B.Vijaya Kumar

Counsel For respondent No.3: None appeared.

The Court made the following :

ORDER:

Heard both counsel appearing for respective parties.

The grievance of the petitioner is that her husband died while in service as Animal House Keeper of third respondent institution on 14-10-2002. It is stated that she is entitled for the death benefits like gratuity,family pension, provident fund and other service benefits of her late husband. She being an illiterate lady, does not know how to deal with things and inspite of her repeated requests, the respondents do not consider to release all the amounts.

The learned Standing counsel appearing on behalf of the respondents submits that the husband of the petitioner M.Satyam formerly Animal House Keeper working in the Department of Bio-Chemistry in University Department retired voluntarily from service with effect from 6-3--1996 and expired on 1-4-2002. It is an admitted fact that the petitioner filed application for release of retrial benefits. As per the nomination submitted by her husband late M.Satyam while he was alive and as per the legal opinion obtained from the University, the Vice Chancellor already ordered for the payment of pension to the petitioner on 18-1-2003 itself. But, the petitioner herself never went to the office and submitted formal proforma so as to enable them to release the claim of family pension.

Having regard to the facts and circumstances of the case, the respondents are directed to immediately release the family pension payable to the petitioner forthwith within four weeks from the date of receipt of this order by obtaining necessary signatures on the relevant papers without insisting on her to come to the office. In sofar as other benefits are concerned, the respondents may consider and pass appropriate orders as to whether any other death benefits are

liable to be paid or not and pass appropriate orders within four weeks from the date of the order.

Writ petition is accordingly disposed of in terms of observations indicated above. No order as to costs.

V.Eswariah,J

Stp/ys “True copy”

Sd/

Assistant Registrar

To:

1 The Vice-Chancellore, Andhra Univeristy, Visakhapatnam Dist.
2 The Registrar,Andhra University, Visakhapatnam Dist.
3 The Principal, Department of Biocheistry, College of Science Technology, Andhra University,Visakhapatnam.

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THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 2601 of 2004

22nd July,2004.